

APPEAL NO. 022157  
FILED OCTOBER 3, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 23, 2002. The hearing officer determined that the respondent (claimant) is entitled to supplemental income benefits (SIBs) for the fourth quarter. The appellant (carrier) appeals. There is no response contained in our file from the claimant.

DECISION

We affirm the hearing officer's decision.

The hearing officer did not err in determining that the claimant met the "good faith search for employment" requirement for SIBs entitlement. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)), as applied to this case, defines good faith as follows:

Good Faith Effort. An injured employee has made a good faith effort to obtain employment commensurate with the employee's ability to work if the employee:

- (4) has been unable to perform any type of work in any capacity, has provided a narrative report from a doctor which specifically explains how the injury causes a total inability to work, and no other records show that the injured employee is able to return to work[.]

The claimant testified that he was unable to perform any type of work; the hearing officer determined that the claimant's treating doctor provided a medical narrative that specifically explained how the claimant's compensable injury caused a total inability to work; and there were no other records that demonstrated an ability to work. Although the carrier claims the required medical examination (RME) doctor's medical records suggest that the claimant could work except for other problems unrelated to his worker's compensation injury, the hearing officer could believe that this report fell short of establishing that the sole cause of the claimant's inability to work was due to conditions other than his compensable injury. In fact, the RME doctor was directly asked if the other conditions were the "sole cause," and responded that inability to work was "much more" related to such conditions than the back injury.

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ

ref'd n.r.e.). We cannot agree that this was the case here, and affirm the decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**THE CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Susan M. Kelley  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Elaine M. Chaney  
Appeals Judge